

SENATE BILL No. 217

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-18-10; IC 15-16-2-44.

Synopsis: Confined feeding operations. Requires a confined feeding operation to: (1) include in its manure management plan procedures for air emission minimization and water quality monitoring; and (2) submit to the department of environmental management and implement an air emission minimization plan to minimize off-site impacts and maximize nutrient recovery from manure storage and land application areas. Requires the water pollution control board to adopt rules for administration of confined feeding statutes to include standards for minimization of air emissions and meeting water quality standards. Requires the state chemist to adopt rules for the use of fertilizer material and the distribution and storage of bulk commercial fertilizers, including standards for the storage of bulk fertilizers to protect the air and waters of the state.

Effective: Upon passage; January 1, 2010.

Miller

January 7, 2009, read first time and referred to Committee on Energy and Environmental Affairs.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 217

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-18-10-2.3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 2.3. **(a) Except**
3 **as provided in subsection (b)**, a confined feeding operation must
4 submit **to the department** a manure management plan that:

5 (1) outlines procedures for soil testing **and** manure testing; and

6 (2) **includes** maps of manure application areas;

7 **to the department** at least one (1) time every five (5) years to maintain
8 valid approval for the confined feeding operation under this chapter.

9 **(b) A confined feeding operation must submit to the department**
10 **a manure management plan that:**

11 (1) outlines procedures and includes maps as required by
12 subsection (a); and

13 (2) outlines procedures for air emission minimization and
14 water quality monitoring:

15 **in 2010 and at least one (1) time every five (5) years after 2010 to**
16 **maintain valid approval for the confined feeding operation under**
17 **this chapter.**



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SECTION 2. IC 13-18-10-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 2.4. A confined feeding operation must:**

(1) submit to the department an air emission minimization plan that outlines steps to:

(A) minimize off-site impacts; and

(B) maximize nutrient recovery from manure storage and land application areas;

in 2010 and at least one (1) time every five (5) years after 2010; and

(2) implement the plan submitted under subdivision (1); to maintain valid approval for the confined feeding operation under this chapter.

SECTION 3. IC 13-18-10-4, AS AMENDED BY P.L.2-2007, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board ~~may~~ **shall** adopt rules under IC 4-22-2 and IC 13-14-9 and the department may adopt policies or statements under IC 13-14-1-11.5 that are necessary for the proper administration of this chapter. The rules, policies, or statements may concern construction and operation of confined feeding operations and ~~may~~ **must** include uniform standards for:

(1) construction and manure containment that are appropriate for a specific site; ~~and~~

(2) manure application and handling that are consistent with best management practices:

(A) designed to reduce the potential for manure to be conveyed off a site by runoff or soil erosion; and

(B) that are appropriate for a specific site;

(3) minimization of air emissions; and

(4) meeting water quality standards.

(b) Standards adopted in a rule, policy, or statement under subsection (a) must:

(1) consider confined feeding standards that are consistent with standards found in publications from:

(A) the United States Department of Agriculture;

(B) the Natural Resources Conservation Service of the United States Department of Agriculture;

(C) the Midwest Plan Service; and

(D) postsecondary educational institution extension bulletins;

and

(2) be developed through technical review by the department,

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1 postsecondary educational institution specialists, and other animal
2 industry specialists.
3 SECTION 4. IC 15-16-2-44, AS ADDED BY P.L.2-2008,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 44. The state chemist ~~may~~ **shall** adopt rules
6 under IC 4-22-2 concerning the following:
7 (1) The use of fertilizer material.
8 (2) The distribution and storage of bulk commercial fertilizers,
9 including standards for the storage of bulk fertilizers to protect the
10 **air and** waters of the state.
11 SECTION 5. **An emergency is declared for this act.**

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